

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TALECRIS BIOTHERAPEUTICS, INC. and))
BAYER HEALTHCARE LLC,))
Plaintiffs,))
v.)	C. A. No. 05-349-GMS
BAXTER INTERNATIONAL INC. and))
BAXTER HEALTHCARE CORPORATION,)	JURY TRIAL DEMANDED
Defendants.))
-----)
BAXTER HEALTHCARE CORPORATION,))
Counterclaimant,))
v.))
TALECRIS BIOTHERAPEUTICS, INC. and))
BAYER HEALTHCARE LLC,))
Counterdefendants.))

**DECLARATION OF ANNE M. ROGASKI IN SUPPORT OF SUMMARY
JUDGMENT MOTION FILED BY BAXTER INTERNATIONAL INC.
AND BAXTER HEALTHCARE CORPORATION**

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Dated: March 8, 2007
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TALECRIS BIOOTHERAPEUTICS, INC. and BAYER HEALTHCARE LLC,	}	Civil Action No.: 05-349-GMS
Plaintiffs,		<u>Jury Trial Demanded</u>
v.		<u>PUBLIC VERSION</u>
BAXTER INTERNATIONAL INC. and BAXTER HEALTHCARE CORPORATION,	}	
Defendants.		
BAXTER HEALTHCARE CORPORATION,		
Counterclaimant,	}	
v.		
TALECRIS BIOOTHERAPEUTICS, INC. and BAYER HEALTHCARE LLC,		
Counterdefendants.)	

**DECLARATION OF ANNE M. ROGASKI IN SUPPORT OF SUMMARY
JUDGMENT MOTION FILED BY BAXTER INTERNATIONAL INC. AND
BAXTER HEALTHCARE CORPORATION**

I, Anne M. Rogaski, declare:

1. I am a partner at the law firm of Townsend and Townsend and Crew LLP and one of the counsel of record for Defendant Baxter International Inc. and Defendant/Counterclaimant Baxter Healthcare Corporation (collectively "Baxter"). I make this declaration of my personal knowledge.

2. A true and correct copy of the patent-in-suit, U.S. Patent Number 6,686,191 (Alonso) is attached hereto as Exhibit 1.

3. A true and correct copy of the highly confidential Expert Report of Jeffrey

V. Ravetch, M.D., Ph.D. in Rebuttal of the Report of Thomas Kindt, Ph.D. Pursuant to Federal Rule of Civil Procedure 26(a) without exhibits and dated January 31, 2007 is attached hereto as Exhibit 2.

4. A true and correct copy of the highly confidential Expert Report of Erwin Gelfand, M.D. in Rebuttal of the Expert Report of Thomas Kindt, Ph.D. Pursuant to Federal Rule of Civil Procedure 26(a) without exhibits and dated January 31, 2007 is attached hereto as Exhibit 3.

5. A true and correct copy of the highly confidential Expert Report of Pinya Cohen, Ph.D. in Rebuttal to the Expert Report of Thomas Kindt, Ph.D. Pursuant to Federal Rule of Civil Procedure 26(a) without exhibits and dated January 31, 2007 is attached hereto as Exhibit 4.

6. True and correct copies of pages 152-155 of the highly confidential deposition transcript from the September 26, 2006 deposition of William R. Alonso are attached hereto as Exhibit 5.

7. True and correct copies of pages 278-283 of the highly confidential deposition transcript from the October 2, 2006 deposition of William R. Alonso are attached hereto as Exhibit 6.

8. True and correct copies of pages 105-108 and 118-121 of the highly confidential deposition transcript from the August 1, 2006 deposition of James A. Giblin are attached hereto as Exhibit 7.

9. True and correct copies of pages 195-197 of the confidential deposition transcript from the March 3, 2007 deposition of Dr. Jeffrey V. Ravetch are attached hereto as Exhibit 8.

10. True and correct copies of pages 323-325 and 418-432 of the highly confidential deposition transcript from the March 4, 2007 deposition of Dr. Jeffrey V. Ravetch are attached hereto as Exhibit 9.

11. True and correct copies of pages 85-87, 118-120, 122-125, 138-140, 144-147, 187-190, 195-197 and 202-205 of the confidential deposition transcript from the February 14, 2007 deposition of Dr. Erwin W. Gelfand are attached hereto as Exhibit 10.

12. True and correct copies of pages 53-56, 58-61 and 65-69 of the highly confidential deposition transcript from the February 9, 2007 deposition of Dr. Pinya Cohen are attached hereto as Exhibit 11.

13. A true and correct copy of Rousell, *et al.*, "Anticomplementary Activity and the Safety of Intravenous Immunoglobulin," *Clin. Therapeutics* 11(1): 143-150 (1989) is attached hereto as Exhibit 12.

14. A true and correct copy of U.S. Patent No. 4,396,608 (Tenold) is attached hereto as Exhibit 13.

15. A true and correct copy of Malgras, *et al.* "Mesure de l'activité anti-complémentaire des préparations de gamma-globulines injectables par voie intraveineuse," *Revue Française de Transfusion* T. XIII. N° 2. (1970) is attached hereto as Exhibit 14.

16. A true and correct copy of U.S. Patent No. 5,410,025 (Moller) is attached hereto as Exhibit 15.

17. A true and correct copy of Miekka, *et al.*, "Anticomplementary activity of human immunoglobulin G," *Vox Sang.*, 29:101-123 (1975) is attached hereto as Exhibit 16.

18. A true and correct copy of the European Pharmacopoeia protocol (BXTR068265-BXTR068266) is attached hereto as Exhibit 17.

19. True and correct copies of pages 81-85 and 91-97 of the confidential deposition transcript from the February 28, 2007 deposition of Dr. Thomas J. Kindt, Ph.D. are attached hereto as Exhibit 18.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed this 8th day of March, 2007 at Palo Alto, California.



Anne M. Rogaski

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE

I, Philip A. Rovner, hereby certify that on March 14, 2007, the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following; that the document was served on the following counsel as indicated; and that the document is available for viewing and downloading from CM/ECF.

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I hereby certify that on March 14, 2007 I have sent by E-mail and Federal Express the foregoing document to the following non-registered participants:

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